

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

DEVINA MCCATREY,)	
)	
Plaintiff,)	
)	
v.)	No.:
)	
UNITED STATES OF AMERICA,)	
JACOB MEYER, M.D., Individually, and)	
HOLY CROSS HOSPITAL, a Corporation,)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, DEVINA MCCATREY, by her attorneys, D&W LAW GROUP PC, complaining of Defendants, JACOB MEYER, M.D., Individually, and HOLY CROSS HOSPITAL, a Corporation, and states as follows:

PROCEDURAL HISTORY

1. This matter was originally filed in Cook County and assigned case number 20 L 7317.
2. Subsequently, Plaintiff was informed that defendant Meyer was an employee of a federal qualified health provider, and this matter was removed to the United States District Court for the Northern District of Illinois on that basis. The United States of America was substituted for Dr. Meyer and the matter assigned case number 20 C 6333.

3. After this matter was removed, the United States filed an unopposed motion to dismiss for Plaintiff's failure to exhaust her administrative remedies. The motion was granted and the case dismissed.

4. Plaintiff then sent a claim using form 95 to the U.S. Department of Health and Human Services. Per their correspondence dated February 8, 2021, the claim was received in their office on December 21, 2020. See attached Exhibit A.

5. HHS requested Plaintiff provide certain bills and records pertaining to the claim, which Plaintiff tendered on March 26, 2021. See attached Exhibit B.

6. HHS has failed to respond to Plaintiff's claim in the four months since. HHS has had the claim in their office for seven months altogether. Pursuant to 28 U.S.C. §2675, Plaintiff is entitled to file suit six months after the claim has been received. She elects to do so now.

COUNT I - MEDICAL NEGLIGENCE – Defendant, JACOB MEYER, M.D., Individually and as an Actual and/or Apparent Agent and/or Employee of HOLY CROSS HOSPITAL, a Corporation,

1. On and after July 20, 2018, Defendant, JACOB MEYER, M.D., was licensed to perform medicine in the State of Illinois, and provided medical care to patients at Defendant, HOLY CROSS HOSPITAL, located at or near 2701 W. 68th St. in Chicago, Illinois, State of Illinois, County of Cook.

2. On and after July 20, 2018, Defendant, JACOB MEYER, M.D., was an actual and/or apparent agent and/or employee of Holy Cross Hospital.

3. On and after July 20, 2018, Defendant, JACOB MEYER, M.D., had a duty to conform to the appropriate standard of medical care in the management and treatment of patients.

4. On July 20, 2018, Plaintiff, DEVINA MCCATREY, presented to Defendant, HOLY CROSS HOSPITAL to undergo an oophorectomy. Defendant, JACOB MEYER, M.D. performed the procedure.

5. On July 20, 2018, Defendant JACOB MEYER, M.D., deviated from the standard of care in one or more of the following ways:

- a. Carelessly and negligently perforated one of Plaintiff's organs while performing the procedure;
- b. Carelessly and negligently failed to avoid major organs while performing the procedure;
- c. Failed to order a consult with other physicians when Plaintiff's symptoms warranted a consult;
- d. Failed to make certain there were no perforations before performing the procedure;
- e. Failed to diagnose and treat Plaintiff's perforation,
- f. Failed to use surgical equipment in a safe manner, and
- g. Was otherwise careless and negligent.

6. As a result of Defendant, JACOB MEYER, M.D.'s negligence, Plaintiff, DEVINA MCCATREY, was caused to suffer severe and permanent injuries.

WHEREFORE, Plaintiff, DEVINA MCCATREY, demands judgment against Defendant, JACOB MEYER, M.D., Individually, and as Actual and/or Apparent Agent and/or Employee of Holy Cross Hospital, a Corporation, in excess of \$75,000.

COUNT II: MEDICAL NEGLIGENCE –HOLY CROSS HOSPITAL, A Corporation.

1. On and after July 20, 2018, Defendant, HOLY CROSS HOSPITAL, provided medical care to patients at their facility located at or near 2701 W. 68th St. in Chicago, Illinois, State of Illinois, County of Cook, through their actual and/or apparent agents and/or employees.

2. On and after July 20, 2018, Defendant, HOLY CROSS HOSPITAL, through their actual and/or apparent agents and/or employees, had a duty to conform to the applicable standard of medical care in the management and treatment of patients.

3. On July 20, 2018, Plaintiff, DEVINA MCCATREY presented to Defendant, HOLY CROSS HOSPITAL, to undergo an oophorectomy. Defendant JACOB MEYER, M.D., the actual and/or apparent agent and/or employee of Defendant, HOLY CROSS HOSPITAL, performed the procedure.

6. On July 20, 2018, Defendant, HOLY CROSS HOSPITAL, through its actual and/or apparent agent/and or employee, Defendant, JACOB MEYER, M.D., deviated from the standard of care in one or more of the following ways:

- a. Carelessly and negligently perforated one of Plaintiff's organs while performing the procedure;

- b. Carelessly and negligently failed to avoid major organs while performing the procedure;
- c. Failed to order a consult with other physicians when Plaintiff's symptoms warranted a consult;
- d. Failed to make certain there were no perforations before performing the procedure;
- e. Failed to diagnose and treat Plaintiff's perforation,
- f. Failed to use surgical equipment in a safe manner; and
- g. Was otherwise careless and negligent.

7. As a result of the above stated acts and omissions of Defendant, HOLY CROSS HOSPITAL, through its actual and/or apparent agent and/or employee, JACOB MEYER, M.D., Plaintiff, DEVINA MCCATREY, was caused to suffer severe and permanent injuries.

8. Attached hereto is an affidavit of one of Plaintiff's attorneys pursuant to 735 ILCS 5/2-622.

WHEREFORE, Plaintiff, DEVINA MCCATREY, demands judgment against Defendant, HOLY CROSS HOSPITAL, in excess of \$75,000.

Respectfully submitted,
Plaintiff, DEVINA MCCATREY,

By: /s/Scott Wolfman
SCOTT B. WOLFMAN,
One of Plaintiff's Attorneys

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**


DEVINA MCCATREY,)	
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Plaintiff,)	
vs.)	No.
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JACOB MEYER, M.D., Individually,)	
And HOLY CROSS HOSPITAL, A Corporation,)	
)	
Defendants.)	

AFFIDAVIT PURSUANT TO 735 ILCS 5/2-622

I, SCOTT B. WOLFMAN, being first duly sworn on oath, states as follows:

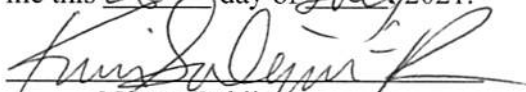
1. I was unable to obtain a consultation required by paragraph 1 of 735 ILCS 5/2-622 because a statute of limitations would impair the action and the consultation required could not be obtained before the expiration of the statute of limitations.

FURTHER AFFIANT SAYETH NOT.



SCOTT B. WOLFMAN
Attorney for the Plaintiff

Subscribed and Sworn to before
me this 28th day of July 2021.


Notary Public

